

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
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U.S. DISTRICT COURT
DISTRICT OF MASS.

CHRISTOPHER J. WALSH, as he is ADMINISTRATOR,
CONSTRUCTION TEAMSTERS HEALTH AND
WELFARE FUND and INTERNATIONAL
BROTHERHOOD OF TEAMSTERS, LOCAL 379,
Plaintiffs

C.A. No. 05-10010 EFH

vs.

HILEE, INC.,

Defendant

and

GIOIOSO BROS., INC. and THE MCCOURT
CONSTRUCTION COMPANY, INC.,
Reach-and-Apply Defendants

and

FLEET BANK,

Trustee

**EX PARTE MOTION FOR EXTENSION OF TIME TO
SERVE COMPLAINT UPON DEFENDANT**

Plaintiffs Christopher J. Walsh, as he is Administrator, Construction Teamsters Health and Welfare Fund, et al, herein respectfully move this honorable Court for an extension of time until May 31, 2005 in which to serve Plaintiffs' Complaint in the above-captioned matter upon Defendants Hilee, Inc. and Reach-and-Apply Defendants Gioioso Bros., Inc. and The McCourt Construction Company, Inc. As grounds therefore, Plaintiffs refer to the supporting affidavit of their attorney Gregory A. Geiman, attached hereto as Exhibit A.

WHEREFORE, Plaintiffs seek an extension of time until May 31, 2005 in which to serve their Complaint in the above-captioned matter.

Respectfully submitted,

CHRISTOPHER J. WALSH, as he is
ADMINISTRATOR, CONSTRUCTION
TEAMSTERS HEALTH AND WELFARE
FUND, et al,

By their attorneys,

A handwritten signature in black ink, appearing to read "Anne R. Sills", is written over a horizontal line.

Anne R. Sills, Esquire
BBO #546576
Gregory A. Geiman
BBO #655207
Segal, Roitman & Coleman
11 Beacon Street
Suite #500
Boston, MA 02108
(617) 742-0208

Dated: April 11, 2005

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CHRISTOPHER J. WALSH, as he is ADMINISTRATOR,
CONSTRUCTION TEAMSTERS HEALTH AND
WELFARE FUND and INTERNATIONAL
BROTHERHOOD OF TEAMSTERS, LOCAL 379,
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AFFIDAVIT OF GREGORY A. GEIMAN

1. My name is Gregory A. Geiman. I am an attorney with the law firm of Segal, Roitman & Coleman.
2. The Complaint in the above-captioned matter was filed with this honorable Court on December 30, 2004.
3. Subsequently, the Funds were informed by a third-party auditor that, due to his review of the relevant payroll records, the amount claimed by the Funds in their Complaint would need to be revised.

4. Due to circumstances wholly beyond the Funds' control, this revised amount of contributions owed has not yet been provided.

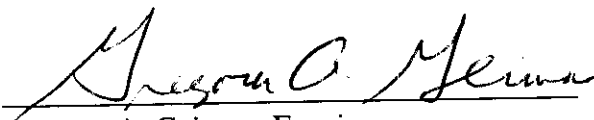
5. As such, and because they want to provide this Court with a complete accounting of the contributions owed by the defendant, the Funds have continued to delay filing of their Motion for an Ex Parte Order of Attachment by Trustee Process.

6. However, under the Federal Rules of Civil Procedure, service of their Complaint need be completed no later than April 29, 2005.

7. Even if the Funds received the revised amount of contributions owed tomorrow, they would most likely not be able to file and receive a decision from this Court on their Motion for an Ex Parte Order of Attachment by Trustee Process – nor would they be able to ultimately seek attachment of the defendant's bank account – before April 29.

8. If the Funds must serve the Complaint in the above-captioned matter before having completed attaching the defendant's bank account, there is a strong likelihood that the defendant will transfer or dissipate any assets which currently exist in the bank accounts the Funds seek to attach.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 11th DAY OF
APRIL, 2005.



Gregory A. Geiman, Esquire